

5 IN THE HIGH COURT OF KARNATAKA AT BANGALORE

Dated this the 26th day of May 1998

BEFORE

THE HON'BLE MR. JUSTICE CHANDRASHEKARAI AH

WRIT PETITION NO. 21274/1997

Between:

Smt. Yallawwa,
W/o. Ningappa
Banappanavar,
Age: 50 years,
Occ: Household work
and Milk Vending,
Resident of Dalimberpet,
Old Hubli,
District Dharwar.

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..Petitioner

(Sri R.H. Chandangoudar, Advocate)

And ;

1. The Commissioner,
Hubli-Dharwar Muni-
cipal Corporation at
Hubli.

2. Smt. Huligamma
Devasthan by its
Poojari, Dalimbarpet,
Old Hubli, Hubli,

3. The State of Kar-
nataka by the Secretary
for Municipalities,
M.S. Buildings,
Bangalore.

..Respondents

(Sri R.G. Devadhar, Advocate for R.1.
Sri Mallikarjun S. Mylar, Advocate for R.2.
Sri K. Nagaraja, HCGP for R.3)

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Writ petition is filed under Articles 226 and 227 of the Constitution of India praying to quash Annexure-D dated 10.1.1994 passed by R.1 and Annexure-F dated 28.1.1997 passed by R.2 and R.3 not to grant permission to the respondent-1 to sell the CTS N.204/1A of Ward No.V of Hubli measuring 250 sq.ft. in favour of R.2 as per resolution No.1221 dated 10.1.1994 under Annexure-D.

This petition coming up for orders on this day, the Court made the following:

ORDER

The petitioner has challenged the resolution dated 10.1.1994 resolving to move the Government for according approval to sell the land in favour of the temple in this writ petition. The v-ery resolution was challenged by the petitioner in W.P. No.7860/1995. In that writ petition this Court has passed an order which reads as follows:

"The learned Gov-ernment Pleader, who appeared on notice for respondent No.3, submits that in case the approval of the Government is not given, it is open to the petitioner to file his objections to the resolution passed by the first respondent and the Government will consider the same on merits and will pass appropriate orders thereon."

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On the basis of the said submission the said writ petition was disposed of by this Court observing that if any objections are filed the Government is directed to consider the same on merits in accordance with law.

2. In view of the said order it is open for the petitioner to file objections if the Government has not passed any order according approval. Therefore, there is no reason to entertain this writ petition for the similar relief sought for in the earlier writ petition. However, if the Government has committed any illegality or irregularity in according approval to the resolution, it is open for the petitioner to challenge the Government Order according approval. In the said view of the matter, I find no reason to interfere in this writ petition. Accordingly, it is rejected.

Sd/-
JUDGE

G/260598

